

RECEIVED
CENTRAL FAX CENTER

AUG 16 2004

PTO/SB/84 (11-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor: Andrew Baird

Application No.: 09/934,131

Art Unit:

Filed: 8/21/2001

Examiner:

Title: SYSTEM AND METHOD FOR PACKAGING DESIGNS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-8916

OFFICIAL

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 665 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Missing Parts (Identify type of reply):

- ☐
- has been filed previously on _____
-
- ☒
- is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ _____

- ☐
- has been paid previously on _____
-
- ☐
- is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8198 and select option 2.

PTO/SB/64 (08-03)

Approved for use 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

8/15/04
Date

Glenn L. Webb
Signature

Telephone
Number: 303 534 5040

Glenn L. Webb
Typed or printed name

2300 15th Street, Suite 320
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

Denver, CO 80202
Address

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

8/15/04
Date

Glenn L. Webb
Signature

Glenn L. Webb
Type or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:
Andrew Baird

S.N.: 09/934,131

Filed: 8/21/2001

For: SYSTEM AND METHOD FOR
PACKAGING DESIGNS


Office of Petitions
Commissioner of Patents
Box 1450
Alexandria, VA 22302



A.U. :

Examiner:

Certificate of Transmission under 37 CFR 1.8
I hereby certify that this correspondence is being
transmitted to the U.S. Patent Office on 8/15/04


Signature

Glenn L. Webb

Typed name of person signing Certificate


Statement in Support of Unintentional Delay

Sir:

The below signed attorney for the Applicant hereby states that the delay in filing the petition for revival of the application and in replying to the Notice of Missing Parts was entirely unintentional. The attorney only became aware of the abandonment when he reviewed the status of the application on the PAIR database. The attorney in reviewing the status of the application on August 12, 2004 for purposes of preparing the application for transferring the above-identified application to another law firm discovered that the application had been held abandoned. The attorney had not received a Notice of Abandonment in this application and was unaware that the response to the Notice of Missing Parts had not been filed. The response had not been filed due to error in properly docketing the response. The failure to properly docket even though the docket clerk had been trained was inadvertent and unintentional. This coupled with the failure to receive the Notice of Abandonment has resulted in the present situation.

Respectfully submitted,

Date: 8/15/04

By: 
Glenn L. Webb, Reg. No. 32,668
2300 15th St., Suite 320
Denver, CO 80202
303 534 5040 x202
(303) 534-5039 facsimile